

Testimony of
Larry Finfer
Assistant Director for Communications
Bureau of Land Management
House Resources Committee
Subcommittee on Parks, Recreation and Public Lands
H.R. 4141- " Red Rock Canyon National Conservation Area
Protection and Enhancement Act of 2002."
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Thank you for the opportunity to testify regarding H.R. 4141, the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002. The Department generally supports the land tenure adjustments outlined in the legislation, but believes several issues need to be addressed before the bill is advanced by the Committee.

H.R. 4141 provides for the exchange of certain lands managed by the Bureau of Land Management (BLM) to the west of Las Vegas for certain other lands owned by the Hughes Corporation which border the Red Rock Canyon National Conservation Area (NCA), also west of Las Vegas. The bill would also transfer additional lands from the BLM to Clark County, Nevada for a county park at no cost.

Background

The Red Rock Canyon NCA was established in November of 1990 under Public Law 101-621. Its boundaries have been expanded by ensuing Acts of Congress in 1994 and again in 1998, so that today the NCA covers approximately 196,000 acres and receives over 1.2 million visitors a year. Its close proximity to a major urban center makes Red Rock Canyon NCA both a draw for the local population, and also a popular attraction for many of Las Vegas's visitors.

The NCA's attraction is a result of a collision 65 million years ago by two of Earth's crustal plates. The force of that collision thrust gray limestone up and over younger red sandstone. The result today has a dramatic visual impact. We are not the first to be drawn to the spectacular mountains, cliffs, and outcroppings; evidence of prehistoric native peoples in the NCA date back at least five thousand years. Rock art, ceramics, and roasting pits bear evidence to their presence here. The springs that still dot the area undoubtedly brought these people and perhaps the beauty of the area encouraged them to stay.

The NCA boasts a 13-mile scenic drive, a visitor center with guided walks and extensive interpretive materials. Visitors enjoy rock climbing, hiking, birding, jeep tours, and horseback riding. In partnership with the BLM, the Friends of the Red Rock, the Red Rock Canyon Interpretive Association and others, helps to serve many visitors needs and provides over 40,000 of volunteer hours annually to the NCA. In addition, commercial outfitters fill an important role in introducing visitors to many of the NCA's treasures.

H.R. 4141

H.R. 4141 proposes to legislate both a land exchange between the BLM and the Hughes Corporation as well as transfer additional public lands to Clark County for a park. The lands proposed to be transferred to the BLM from the Hughes Corporation border the eastern edge of the NCA and total approximately 1,068 acres in seven separate parcels. The BLM strongly supports the acquisition of these parcels and believes they will enhance the NCA. The addition of these parcels will improve boundary management and allow for better protection of rock art within the NCA.

The legislation is silent on responsibility for any potential hazardous materials that may preexist on these parcels. We believe that this should be addressed in the legislation. In addition, a modification of the boundary of the NCA to include all of these added lands should be clearly stated in the legislation and established on the legislative map. We are also concerned about language in section 4(a) of the bill that may imply that the Hughes Corporation does not own all right, title, and interest to these lands and would like clarification before we move forward. Finally, the Administration opposes the language contained in section 6(a) and proposes its deletion. Section 6(a) of the bill exempts implementation of the exchange from consideration or action under the National Environmental Policy Act, the National Historic Preservation Act, or any other law or Executive Order. The Administration supports authorization of an exchange through normal public review, including title review, and disclosure of the fiscal and environmental effects of the exchange to ensure equal value and full awareness of the consequences of the exchange.

The public lands identified for transfer by exchange to the Hughes Corporation, total approximately 1001 acres and were identified for disposal under the Southern Nevada Public Land Management Act (SNPLMA), Public Law 105-263. It is our understanding that these lands would be used for the expansion of a master-planned housing community. Under SNPLMA, proceeds from BLM-managed lands which are disposed of are divided between the State of Nevada general education fund (5%), the Southern Nevada Water Authority (10%), and a special account in the Treasury for acquisition of environmentally-sensitive lands in Nevada and other purposes (85%). Section 4 of SNPLMA mandates that in the case of a land exchange, the non-Federal party remains liable for the 5% and 10% payments. The legislation is silent on this point, and therefore we make the assumption that these provisions of SNPLMA would apply to the Hughes Corporation.

In addition, the public lands identified for disposal are currently encumbered by rights-of-way for roads, water pipelines, gas pipelines, and power lines as well as mining claims. We would like to ensure that these current uses are appropriately addressed by the legislation.

At the present time, we do not have appraisals for the lands proposed for exchange in order to determine if they are, in fact, of approximate equal value. It is our understanding that the Hughes Corporation has contracted with a private appraiser and expects to have estimates to the BLM in the near future. Should these parcels not be of equal value we would like the opportunity to modify the acreage of the lands involved in the exchange before the bill moves to markup.

The bill would also require the BLM to transfer approximately 1,344 acres of additional public lands to Clark County at no cost for purposes of a park. These lands are adjacent and intermingled with the lands to be transferred to the Hughes Corporation. While we do not oppose the transfer of these lands to the county we believe they should be transferred at fair market value or through a Recreation and Public Purposes (R&PP) lease. In addition, our concerns about impacts on preexisting uses in the Hughes transfer would also apply to this transfer.

Finally, H.R. 4141 references a map. We are in the process of creating a map which better reflects the specifics of this proposal, including land status. We would strongly recommend the bill be amended to reference the BLM map as opposed to one created by a private entity.

Conclusion

The long term benefits of the transfer of lands outlined in H.R. 4141 will be positive. However, we believe that a number of unresolved issues need to be reconciled before we could fully support final passage of this bill.

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